

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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GUARANTEED POWER
INTERNATIONAL, INC.,

Plaintiff,

-against-

M.V. "AL ABDALJ", her engines,
boilers, etc.;

-and against-

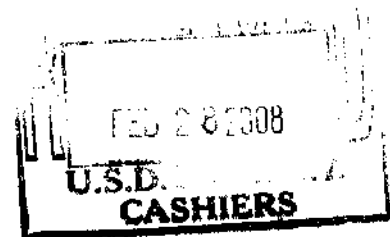
NSM LOGISTICS, INC.,

Defendants.
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JUDGE CHIN

VERIFIED COMPLAINT

08 CV 1980



1. This is a case of contract, cargo damage and non-delivery of cargo, civil and maritime and is an admiralty and maritime claim within the meaning of the Rule 9(h). Plaintiff invokes the maritime procedures specified in Rule 9(h).
2. Plaintiff, GUARANTEED POWER INTERNATIONAL, INC., is a legal entity organized under the law, with an office located at 575 Washington Street, Pembroke, Massachusetts 02359. Defendant, NSM LOGISTICS, INC., is a legal entity organized under the law, with an office located at 163 Burlington Path Road, Suite H, Cream Ridge, New Jersey 08514.
3. During all times herein mentioned, defendant was the owner and/or operator of the M.V. "AL ABDALJ" and operated it in the common carriage of goods by water for hire between Delhi/Mumbai and New York.

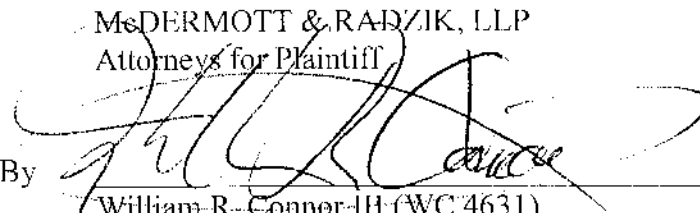
4. The M.V. "AL ABDALI", is now or during the pendency of this action will be, within this District.
5. On or about April 16, 2007, Climax Overseas Pvt. Ltd. delivered a shipment of 99 cartons of automotive parts to defendant, as a common carrier at the port of Delhi in good condition, for transportation on board the M.V. "AL ABDALI" to New York and delivery to Boston, in consideration of an agreed freight and pursuant to the valid terms and conditions of a cleaned on-board bill of lading issued by defendant and the M.V. "AL ABDALI".
6. Defendant caused said goods, still in good order and condition to be laden on board the M.V. "AL ABDALI". On or about May 21, 2007, the M.V. "AL ABDALI" arrived at the port of New York and thereafter defendant delivered said shipment in Boston in a short, slack and damaged condition.
7. Prior to May 21, 2007, plaintiff became for value the owner of said shipment and the owner and holder of said clean on-board bill of lading and brings this suit on its own behalf and that of all others interested in said shipment.
8. All conditions precedent required of plaintiff and of all others interested in said shipment have been performed.
9. By reason of the premises, plaintiff and those on whose behalf this suit is brought have sustained damages in the sum of \$20,000, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

WHEREFORE, plaintiff prays:

1. That the M.V. "AL ABDALI" be arrested;

2. That process issue against defendant NSM LOGISTICS, INC. and that defendant be cited to appear and answer the allegations of the complaint;
3. That an interlocutory judgment be entered in favor of the plaintiff against the M.V. "AL ABDALI", against defendants directing that the plaintiff recover damages and that the M.V. "AL ABDALI", be condemned and sold and the proceeds of sale be applied to the payment to plaintiff of the sums found due it;
4. That the amount due plaintiff be computed by further proceedings before a Magistrate, pursuant to Rule 53(b) and/or by further proceedings before the Court, pursuant to Rule 42(b);
5. That final judgment against defendant and the M.V. "AL ABDALI", be entered in favor of the plaintiff for the amount found due plaintiff with interest and with costs; and
6. That plaintiff have such other and further relief as may be just.

Dated: New York, New York
February 26, 2008

McDERMOTT & RABZIK, LLP
Attorneys for Plaintiff
By 
William R. Conner (WC 4631)
Wall Street Plaza
88 Pine Street
New York, New York 10005
212-376-6400

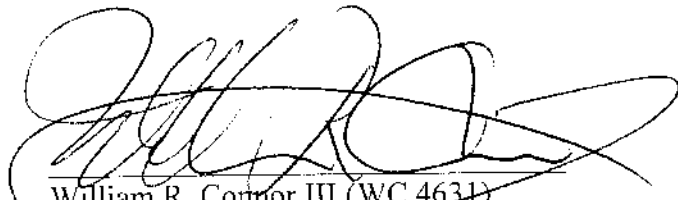
STATE OF NEW YORK)
 : S.S.
COUNTY OF NEW YORK)

WILLIAM R. CONNOR III, being duly sworn, deposes and says:

I am a member of the firm of McDermott & Radzik, LLP. attorneys for the Plaintiff in this action.


I have read the foregoing Verified Complaint, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are documents in the possession of my firm.



William R. Connor III (WC 4631)

Sworn to before me this
day of February, 2008



Notary Public

JAMES J. RUDDY
Notary Public, State of New York
No. 30-5008922
Qualified in Nassau County
Commission Expires March 8, ~~2005~~
2011

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SOUTHERN DISTRICT OF NEW YORK

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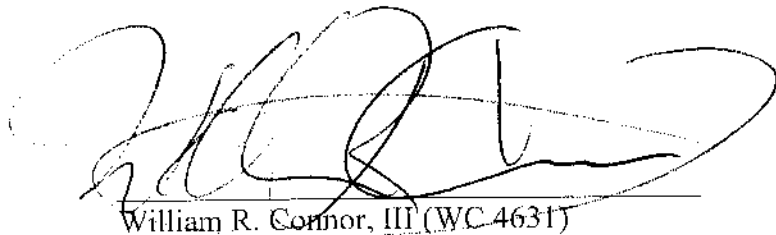
Defendant.

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Pursuant to Rule 7.1 of the General Rules of the Southern District of New York and to enable judges and magistrates of the court to evaluate possible disqualification or recusal, the undersigned attorney of record for Plaintiff certifies that the following are corporate parents, subsidiaries, or affiliates of that party:

NONE

Dated: New York, New York
February 26, 2008



William R. Connor, III (WC 4631)

JUDGE CHIN

08 CV 1980

RULE 7.1

08 CIV.

